

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Stephen B. Wilhite, #107850 a/k/a Stephen
Brett Wilhite,

Plaintiff,

v.

Lt. Hetitch, Lt. Clamp, Lt. Bowman, Lt.
Deboard, Sgt. Jones, Sgt. Riddel, Sgt.
Bradford, Sheriff Michael Hunt,

Defendants.

C/A No. 8:18-536-JFA-JDA

ORDER

Plaintiff Stephen B. Wilhite (“Plaintiff”), proceeding *pro se* and *in forma pauperis*, brought this action pursuant to 42 U.S.C. § 1983. (ECF No. 1). Plaintiff is a pretrial detainee at the Aiken County Detention Center. Plaintiff alleges that Defendants denied him access to the courts and access to legal materials thereby violating his constitutional rights.

The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation and opines that this Court should dismiss the Complaint without prejudice and without service of process pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). (ECF No. 9). The Report sets forth in detail the relevant facts and standards of law on this matter, and the Court incorporates such without a recitation.

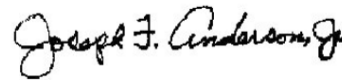
¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The Plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on March 6, 2018. However, the Plaintiff did not file objections, and the time to do so has now expired. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give any explanation for adopting the Magistrate's recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Magistrate Judge has allowed the Plaintiff ample time to respond to the Court's orders and the Plaintiff has failed to do so.

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation (ECF No. 9). Plaintiff's Complaint is dismissed without prejudice and without service of process.

IT IS SO ORDERED.

March 27, 2018
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge